

NEAL SMATRESK (“Smatresk”) UNT President; MICHAEL MCPHERSON (“McPherson”), UNT Provost and Vice-President; KATY MCDANIEL (“McDaniel”), UNT Assistant Vice Chancellor and Chief Human Resources Officer; ELIZABETH WITH (“With”), UNT Senior Vice President for Student Affairs; CLAYTON GIBSON (“Gibson”), UNT Vice President for Finance and Administration; collectively referred to as DEFENDANTS, and respectfully shows the following:

I. INTRODUCTION

1. This action seeks equitable relief, compensatory and punitive damages, emotional damages, front and back pay, attorneys' fees and costs, expert witness fees, costs of court, pre-judgment and post-judgment interest for violations of the Title VII of the 1964 Civil Rights Act in 42 U.S.C. §§2000e *et. seq.* as amended by the Civil Rights Act of 1991 (hereinafter referred to as "Title VII") for discrimination, harassment and retaliation based on race and sex suffered by Plaintiff.

2. Plaintiff demands a jury on all issues triable to a jury.

II. PARTIES

3. Georgia Maher is an individual residing in Denton County, Texas and can be contacted by and through her attorneys of record, Vincent J. Bhatti and Ditty S. Bhatti, The Bhatti Law Firm, 5700 Tennyson Parkway, Suite 300, Plano, Texas 75024.

4. Defendant University of North Texas Health Science Center (“UNTHSC”) is an institution of higher education pursuant to Chapter 105 of the Texas Education Code. UNTHSC may be served with process through its President; Dr. Sylvia Trent-Adams at the University of North Texas Health Science Center, 3500 Camp Bowie Blvd. EAD-840, Fort Worth, Texas 76107.

5. Defendant University of North Texas (“UNT”) is an institution of higher education pursuant to Chapter 105 of the Texas Education Code. UNT’S principal campus is located in Denton, Denton County, Texas. UNT contracts and acts through its Board of Regents and its duly

appointed administrators. In the event the University's General Counsel is not authorized to accept service, UNT may be served with summons by serving it's President, Neal Smatresk at his office, Hurley Administration Building, Room 201, 1501 Chestnut Street, Denton, Texas 76203.

6. Defendant NEAL SMATRESK ("Smatresk") is, and was at all relevant times the duly appointed and serving President of UNT. He may be served with summons at his office, Hurley Administration Building, No. 210, 1501 Chestnut Street, Denton, Texas 76203.

7. Defendant MICHAEL MCPHERSON ("McPherson") is, and was at all relevant times the duly appointed and serving Provost and Vice-President of UNT. He may be served with summons at his office, Hurley Administration Building, No. 210, 1501 Chestnut Street, Denton, Texas 76203.

8. Defendant KATY MCDANIEL ("McDaniel") is, and was at all relevant times the duly appointed and serving as Assistant Vice Chancellor and Chief Human Resources Officer of UNT. She may be served with summons at her office, Support and Services Building, Cubicle 116, 1500 N. Interstate 35, Denton, Texas 76205.

9. Defendant, CLAYTON GIBSON ("Gibson") is and was at all relevant times the duly appointed and serving as Vice-President for Finance and Administration of UNT. He may be served with summons at his office, Hurley Administration Building, No. 213, 1501 Chestnut Street, Denton, Texas 76203.

10. Defendant, ELIZABETH WITH ("With") is and was at all relevant times the duly appointed and serving as Senior Vice-President for Student Affairs of UNT. She may be served with summons at her office, Hurley Administration Building, No. 207, 1501 Chestnut Street, Denton, Texas 76203.

11. Defendant, SYLVIA TRENT-ADAMS ("Adams") is the duly appointed and serving as

President of UNTHSC. She may be served with summons at her office, 3500 Camp Bowie Blvd., Fort Worth, TX 76107.

12. Defendant, MICHAEL R. WILLIAMS (“Williams”) is the former duly appointed and formerly serving as President of UNTHSC and currently the Chancellor at University of North Texas System. He may be served with summons at his office, UNT System Building, 1901 Main Street, Dallas, TX 75201.

13. Defendant, CHARLES TAYLOR (“Taylor”) is the duly appointed and serving Provost and Executive Vice-President of UNTHSC. He may be served with summons at his office, 3500 Camp Bowie Blvd., Fort Worth, TX 76107.

14. Defendant, RUTH ROMAN (“Roman”) is the duly appointed and serving Chief Operating Officer of UNTHSC. She may be served with summons at her office, 3500 Camp Bowie Blvd., Fort Worth, TX 76107.

15. Defendant, DENNIS BURNS (“Burns”) is the duly appointed and serving Assistant Vice Chancellor and Chief Human Resources Officer of UNTHSC. He may be served with summons at his office, 3500 Camp Bowie Blvd., Fort Worth, TX 76107.

III. JURIDICTION AND VENUE

16. The Court has subject matter jurisdiction to hear the merits of Plaintiff’s sex discrimination, sex harassment and retaliation claims under 29 U.S.C. § 2917, 28 U.S.C. §1331 because it presents a question of federal law and this court is a court of competent jurisdiction.

17. All Defendants are a person under the meaning of 42 U.S.C. § 2000e(a), and an employer within the meaning of 42 U.S.C. § 2000e(b).

18. The amount in controversy exceeds \$75,000.

19. All conditions precedent to filing of this suit have been performed or have occurred.

20. The Equal Employment Opportunity Commission (“EEOC”) issued a notice of right to sue on November 28, 2023. Plaintiff filed her action on February 23, 2024, within ninety (90) days of Plaintiff’s receipt of the Notice of Right to Sue letter from the EEOC.

21. Venue is appropriate in the Northern District of Texas, Fort Worth Division, because all acts giving rise to this lawsuit occurred within Tarrant County, Texas.

IV. FACTS

A. Ms. Maher has worked as police officer for UNT Dallas, applied for a higher ranking position offered at UNTHSC and was denied due to her sex.

22. Ms. Georgia Maher (“Maher”) first started working at UNT, specifically UNT Dallas’ Police Department on or about October 31, 2016 as a police officer.

23. Throughout her employment, Ms. Maher has given her best efforts to UNT Dallas and was an excellent officer with an excellent work history.

24. On or about August 13, 2021, Ms. Maher discovered the opportunity to apply for a Sergeant or Captain position at the police department at UNT Health Science Center (“UNTHSC”) in Fort Worth.

25. On or about August 26, 2021, Ms. Maher was interviewed for the UNTHSC police position.

26. Chief Jaynes was the Chief of Police at UNTHSC in 2021.

27. In August 2021, Chief Jaynes made derogatory and demeaning remarks about Ms. Maher to Sgt. Killingsworth asking him how Ms. Maher looks in a uniform.

28. In September 2021, Officer Ayers also heard sexist comments from Chief Jaynes, specifically about Ms. Maher.

29. On or about August 30, 2021, Ms. Maher was called to conduct an in-person walkthrough

at the UNTHSC campus.

30. On or about September 22, 2021, Ms. Maher learned that Chief Jaynes at UNTHSC had filled the sergeant position with an outside candidate that had very poor results.

31. On or about September 29, 2021, Chief Jaynes made derogatory comments about Ms. Maher's physical appearance to Officer Ayers namely that Ms. Maher was not womanly enough for him. In fact, Chief Jaynes stated that "he had put me through the process to avoid the appearance of discrimination." Further, Chief Jaynes stated that "he would have to take me around and show me to people, he couldn't be seen with someone like me."

32. In September 2021, Officer Ayers submitted a complaint of discrimination on behalf of the treatment Chief Jaynes was giving to Ms. Maher, namely sex discrimination, to his superior Sgt. Killingsworth.

33. On or about September 29, 2021, after receiving and reviewing the complaint of discrimination from Officer Ayers, Sgt. Killingsworth sent a message to UNT EEO/HR complaining about Jaynes discriminating against Ms. Maher based on sex.

34. On or about December 6, 2021, Chief Jaynes called Ms. Maher and stated he would select another candidate for the Captain's position even though Ms. Maher had scored extremely high in her testing for the position. The position was to be given to the candidate that finished third in the evaluation on objective criteria.

35. On or about April 17, 2022, Ms. Maher filed a complaint regarding her failure to be hired based upon sex discrimination and her being a woman with the EEO office at UNT/UNTHSC.

36. Based on knowledge and belief, both Officer Ayers and Officer Killingsworth filed discrimination complaints on behalf of Ms. Maher.

37. Based on knowledge and belief, both complaints submitted in paragraph 32 above were not

forwarded to the EEO office internally at UNT/UNTHSC for another six (6) months from the initial complaint being filed on or about September 30, 2021 to April 17, 2022, in violation of their own policies and procedures.

38. In Mid-April 2022, the office of EEO finally contacted Ms. Maher and she proceeded to file a formal complaint about the sex discrimination and harassment experiences in the hiring process at UNTHSC for both the sergeant and captain positions in 2021. In addition, Ms. Maher reported retaliation against Officer Ayers and Officer Killingsworth by Chief Jaynes and his newly appointed Captain that was hired in place of Ms. Maher.

39. Defendants informed Ms. Maher that her case was being investigated. Unknown to her, it was not being investigated in a timely manner. In fact, the delay in response gave Chief Jaynes an opportunity to retire without having to address the allegations against him.

40. Ms. Maher's case has since been assigned to three (3) different investigators.

41. Finally, on or about September 2023, a new investigator contacted Ms. Maher and said they would serve to be a "fresh set of eyes" meaning a whole new investigation needed to start from scratch.

42. As of the time of filing this lawsuit, the investigation has still not been complete.

43. Ms. Maher was clearly discriminated against and harassed by Chief Jaynes on several occasions during his hiring process and Defendants continued that harassment and discrimination by failing to investigate her complaints thereafter.

44. In fact, Defendants continue to harass and discriminate against Ms. Maher by failing to conduct a proper investigation under Title VII and take prompt remedial action.

45. To date, it has been nearly 3 years since Ms. Maher made her complaint regarding Chief Jaynes sex discrimination and retaliation and over 3 years since Officer Ayers and Officer

Killingsworth made their complaints regarding sex discrimination to Defendants and to date there has been no conclusion.

46. Ms. Maher suffered and continues to suffer damages under the law based on discrimination.

V. SEX DISCRIMINATION, HARRASMENT AND RETALIATION – TITLE VII

47. Plaintiff incorporates the preceding paragraphs as if fully stated herein.

48. As described above, Defendant's actions constitute unlawful discrimination, harassment and retaliation on the basis of Plaintiff's sex in violation of 42 U.S.C. § 2000e-2(a). The employment practices complained of above were intentional.

49. Ms. Maher was clearly the best qualified candidate for all positions which she sought by every documented measure and the person hired instead of her was significantly lower than her in the objective evaluation criteria for both the Sergeant and Captain positions at UNTHSC.

50. On or about September 22, 2021, Chief Jaynes filled the Sergeant position with a clearly less qualified candidate than Ms. Maher.

51. On or about September 29, 2021, Officer's Ayers and Killingsworth filed complaints with the Defendants HR/EEO office regarding the open discrimination against Ms. Maher based on her sex by Chief Jaynes with respect to his selection of a clearly less qualified candidate and his remarks that he was only interviewing Ms. Maher to give the appearance of a fair process. Further, Chief Jaynes had stated that Ms. Maher was not womanly looking enough for him and that he could not be seen with someone like her on his team.

52. Shortly thereafter, Ms. Maher continued the process to be evaluated for the Captain position.

53. On or about December 6, 2021, she was told by Chief Jaynes that he was not selecting her and instead selecting a much less qualified candidate.

54. Chief Jaynes discriminated against Ms. Maher based on her sex by not selecting her for the position. Further, Chief Jaynes retaliated against Ms. Maher based on discrimination complaints filed by Officer Ayers and Officer Killingsworth by failing to select the most qualified candidate for the Captain position, Ms. Maher.

55. In early 2022, Officer Ayers and Officer Killingsworth were terminated in retaliation for their reports of discrimination on Ms. Maher's behalf.

56. In April 2022, Ms. Maher made her report of discrimination and retaliation and Defendants responded by simply failing to complete a prompt investigation and allowing Ms. Maher to continue working in a discriminatory, harassing and retaliatory environment in violation of Title VII.

57. Ms. Maher was clearly discriminated against by Chief Jaynes at UNTHSC and his comments were so openly hostile that fellow male officers were offended enough to make complaints against Chief Jaynes on behalf of Ms. Maher.

58. Ms. Maher was the subject of retaliation based on the reports of Officer Ayers and Officer Killingsworth to the UNT/UNTHSC HR/EEO for Chief Jaynes obvious discriminatory comments and harassment.

59. Plaintiff has satisfied all jurisdictional prerequisites in connection with her claims under Title VII.

60. As a result of Defendant's unlawful discrimination, Plaintiff continues to suffer and expects to continue to suffer pecuniary losses, including but not limited to lost wages and other benefits associated with her employment.

61. As a result of Defendant's discrimination, Plaintiff has suffered and continues to suffer non-

pecuniary losses including, but not limited to emotional pain, suffering, inconvenience, personal humiliation, mental anguish, loss of enjoyment of life, and other non-pecuniary damages.

62. Defendant acted at all relevant times with malice and/or reckless indifference to Plaintiff's federally protected rights. Plaintiff therefore seeks punitive damages.

63. Additionally, Plaintiff seeks any and all equitable relief necessary to return her to the position that she would have been in but for Defendant's unlawful discrimination.

64. Defendant's actions referenced above have caused Plaintiff to retain the services of the undersigned counsel in order to pursue her federal rights in this action. Consequently, Plaintiff seeks attorneys' fees, expert costs, and other costs of suit.

VI. JURY DEMAND

65. Plaintiff hereby makes a demand for a trial by jury on all issues, claims, and defenses in this action that allow for a jury trial.

VII. PRAYER

66. For these reasons, Ms. Maher respectfully requests that Defendant be cited to appear in this matter and that, after jury trial by proof, she be awarded:

- i. Back pay, including but not limited to, lost wages and other employment benefits;
- ii. Instatement to the position of employment she would have enjoyed but for the discrimination and retaliation;
- iii. In the event that instatement is not feasible, front pay with respect to all pay and benefits Ms. Maher would have received but for the discrimination and retaliation;
- iv. Actual and compensatory damages for the period of time provided by law, including appropriate back pay, unpaid back wages at the applicable overtime rate; front pay and reimbursement (past and future) for lost pension, insurance and all other benefits;

- v. Judgment against Defendant that its violations of the Title VII were willful;
- vi. Reinstatement, or front pay, including benefits, in lieu of reinstatement;
- vii. Compensatory damages as allowed by law
- viii. Punitive damages as allowed by law;
- ix. Reasonable attorneys' fees, court costs and expenses of this action
- x. Expert witness fees incurred by Plaintiff in the preparation and prosecution of this action;
- xi. Damages for emotional distress and mental anguish;
- xii. Pre-judgment and post-judgment interest as allowed by law; and
- xiii. Such other and further relief as may be allowed by law or in equity.

Date: February 23, 2024

Respectfully submitted,

By: /s/Vincent J. Bhatti
VINCENT J. BHATTI
Texas Bar No. 24055169
DITTY S. BHATTI
Texas Bar No. 24062803
The Bhatti Law Firm, PLLC
5700 Tennyson Parkway, Suite 300
Plano, TX 75024
Phone: (214) 253-2533
Fax: (214) 279-0033
vincent.bhatti@bhattilawfirm.com
ditty.bhatti@bhattilawfirm.com
ATTORNEYS FOR PLAINTIFF